

REMARKS

Claims 1-6, 8-24, and 27 are pending in the Application. Claims 1-6, and 8-24 are presently pending and stand rejected. Claims 7, 25 and 26 are cancelled without prejudice. Claim 27 is added.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 25 and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner has indicated that the “specification makes no mention that the selected audio signal components are frequency components.” Claims 25 and 26 are cancelled without prejudice. However, claim 1 recites, among other limitations, “analyzing selected audio frequency components”. Claim 16 recites, among other limitations “at least one audio signal component reducer for selecting a reduced number of audio frequency components for analysis”.

Assignee respectfully submits that the foregoing are enabled in the specification, at least at 0080-0081.

[0080] If the flag 775 indicates that the audio signal is speech the gain control may discard *frequency coefficients* greater than 4,000 Hz and then perform the decoding by performing the Inverse MDCT function, for example. The gain control 950 may also report results directly to the audio processing unit 999 for additional processing, playback, or storage.

[0081] Another music/speech classifier 966, such as the speech/music classifier 500 disclosed in FIG. 5, may be provided at the decoder 900, so that in the circumstance where the signal has been received at the decoder 900 without being classified as one of speech or music, the signal may then be classified. The signal and the speech/music classification apparatus 966 output can be passed to an audio processing unit 999 for processing, playback, or further analysis, as desired.”

Accordingly, Assignee respectfully submits that claims 1 and 16 should not be rejected under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. §103(a) – Saunders and Benvassine

Claim 1 is amended to recite, among other limitations, “analyzing selected audio frequency components”. Claim 16 is amended to recite, among other limitations, “at least one audio signal component reducer for selecting a reduced number of audio frequency components for analysis”. Assignee respectfully submits that claims 1 and 16 are allowable over the cited prior art references.

Examiner has indicated that Saunders teaches “analyzing selected audio signal components (The first step is to measure the ZCR of the signal over a 2.4 second segment of the data; page 994, column 2, line 43)”. Office Action at 5. Examiner has also indicated that “Nishiguchi teaches the selected audio signal components are frequency components (figure 4, signals are subjected through FFT 33 before a decision is made.)”.

However, Assignee respectfully submits that claims 1 and 16 are allowable over the combination of Saunders and Nishiguchi because Saunders teaching of “to measure the ZCR of the signal over a 2.4 second segment of the data; page 994, column 2, line 43” could not be performed if the signals in Saunders “are subjected through FFT 33 before a decision is made”.

Therefore, for at least the above stated reasons, Applicant believes that claims 1 and 16 as now amended are allowable. Applicant respectfully submits that claims 1 and 16 are independent claims, and that claims 2-6, 7-15, and 27, and claims 17-24 depend either directly or indirectly from independent claims 1 and 16, respectively and therefore, that the rejection of these claims under 35 U.S.C. §103(a), be withdrawn.

Final Matters

The Office Action makes various statements regarding former claims 1-6 and 8-26, 35 U.S.C. § 112, 35 U.S.C. § 103, the Saunders reference, the Benyassine reference, the Carey reference, the Nishiguchi reference, the Pohlmann reference, one of ordinary skill in the art, etc. that are now moot in view of the previously presented amendments and/or arguments. Thus, the Applicants will not address all of such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants reserve the right to argue additional reasons supporting the allowability of claims 1-6 and 8-24 should the need arise in the future.

CONCLUSION

Applicant respectfully submits that claims 1-6 and 8-26 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,

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